

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GAVIN HUNT,

Plaintiff,

v.

9:14-CV-468 (BKS/CFH)

**DAVE FAVRO, *Clinton County
Sheriff, et al.,***

Defendants.

APPEARANCES:

Gavin Hunt
Bronx, NY 10454
Plaintiff, pro se

Gregg T. Johnson, Esq.
April J. Laws, Esq.
Bradley J. Stevens, Esq.
Lemire, Johnson Law Firm
P.O. Box 2485
2534 Route 9
Malta, NY 12020
For Defendants

Hon. Brenda K. Sannes, United States District Court Judge

DECISION AND ORDER

Plaintiff Gavin Hunt commenced this pro se action under 42 U.S.C. § 1983 alleging that defendants violated his constitutional rights by neglecting his medical needs while he was a pretrial detainee at the Clinton County Jail. (Dkt. No. 1). On June 8, 2015, defendants filed a motion for summary judgment and for sanctions. (Dkt. No. 18). The motion was referred to United States Magistrate Judge Christian F. Hummel, who issued a Report-Recommendation and

Order on February 12, 2016. (Dkt. No. 21). Magistrate Judge Hummel recommended that defendants' motion for summary judgment be granted as to plaintiff's Fourteenth Amendment deliberate indifference claims against all defendants and as to the qualified immunity claims of defendants David Favro and Michael Smith, and that defendants' motion for sanctions under Fed. R. Civ. P. 37 be denied. (Dkt. No. 21, p. 15). Magistrate Judge Hummel further recommended that plaintiff's complaint be dismissed in its entirety. (*Id.*). Magistrate Judge Hummel notified the parties that they had fourteen days to file written objections to the Report-Recommendation and that the failure to object within fourteen days would preclude appellate review. (Dkt. No. 21, p. 16). Copies of the Report-Recommendation and Order were mailed to Hunt's address via certified and regular mail. Although a signed return receipt for the certified mail was filed with the Court on February 24, 2016, showing that the mail was delivered (Dkt. No. 22), no objections to the Report-Recommendation have been filed. (*Id.*).

Since no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court has reviewed the Report-Recommendation for clear error. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y.2012); Fed. R. Civ. P. 72(b) advisory committee's note to the 1983 addition. Under this standard, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* Having reviewed the Report-Recommendation and having found no clear error, it is hereby:

ORDERED that the Report-Recommendation (Dkt. No. 21) is **ADOPTED** in its entirety for the reasons stated therein; and it is further

ORDERED that the defendants' motion for summary judgment and for sanctions (Dkt. No. 18) is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that defendant's motion for summary judgment (Dkt. No. 18) is **GRANTED** as to the Fourteenth Amendment deliberate indifference claims against all defendants; and as to the qualified immunity claims as to defendants Favro and Smith; and it is further


ORDERED that defendants' motion for sanctions under Fed. R. Civ. P. 37 (Dkt. No. 18) is **DENIED**; and it is further

ORDERED that the plaintiff's complaint (Dkt. No. 1) is **DISMISSED** in its entirety, and the Clerk of Court is directed to close this case; and it is further

ORDERED that the Clerk of the Court serve copies of this Decision and Order on the parties.

IT IS SO ORDERED.

Dated: March 9, 2016


Brenda K. Sannes
U.S. District Judge